

By Senator Burgess

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1 A bill to be entitled
2 An act relating to bail bonds; amending s. 903.011,
3 F.S.; revising the monetary requirements for pretrial
4 release to include cash bail bonds; amending s.
5 903.045, F.S.; deleting surety bail bonds for criminal
6 offenses; authorizing residents of this state to
7 execute bail bonds; revising the obligation of
8 defendants to appear at all criminal proceedings to
9 include residents of this state if they execute such
10 bail bonds; amending s. 903.046, F.S.; deleting all
11 surety commitments related to bail bonds; deleting the
12 court's discretion related to a defendant's conditions
13 of release; making technical changes; amending s.
14 903.0471, F.S.; requiring posted bonds to be
15 discharged by the clerk of the court without further
16 order of the court if a defendant is found to have
17 violated a condition of pretrial release; repealing s.
18 903.08, F.S., relating to sufficiency of surety bail
19 bonds; amending s. 903.09, F.S.; requiring certain
20 sureties to post bail equal to the bond amount;
21 prohibiting one bail posting to be used for multiple
22 bonds; deleting a requirement that a surety execute an
23 affidavit stating she or he possesses the remaining
24 funds or assets to post the remainder of the surety
25 bond; amending s. 903.101, F.S.; conforming a
26 provision to changes made by the act; amending s.
27 903.16, F.S.; requiring, rather than authorizing, a
28 defendant, or a person acting on the defendant's
29 behalf, to deposit bail money of an amount equal to

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30 the bail amount set by the court; requiring the
31 official receiving the deposit to issue a receipt for
32 it in the name of the defendant; requiring, rather
33 than authorizing, certain officials to remit only
34 money, rather than money or bonds, to the clerk to be
35 held for a certain timeframe; deleting the clerk's
36 presumed consent to sell bonds deposited as bail after
37 forfeiture of the bonds; repealing s. 903.17, F.S.,
38 relating to the substitution of cash bail for other
39 bail; amending ss. 903.18 and 903.20, F.S.; making
40 technical changes; amending s. 903.21, F.S.; requiring
41 the clerk to discharge a bond under certain
42 conditions; making technical changes; amending s.
43 903.26, F.S.; requiring, rather than authorizing,
44 notice to the surety to be electronically transmitted
45 in a certain manner; requiring the clerk of the court
46 to electronically transmit to certain persons notice
47 of bond forfeiture; requiring such notice to include
48 certain information; deleting a requirement that
49 municipal officials having custody of the forfeited
50 money must deposit the money in a designated municipal
51 fund; deleting certain requirements of the clerk of
52 the court when a bond is forfeited; revising the
53 state's time to respond to seek extradition of a
54 fugitive defendant after receiving written notice from
55 the surety agent or bail agency; creating a
56 presumption that the state is unwilling to seek
57 extradition of a fugitive defendant if the state does
58 not respond in writing within a specified timeframe;

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59 providing that such unresponsiveness may be admitted
60 as evidence in extradition proceedings; requiring the
61 state to enter a defendant into the National Crime
62 Information Center database for the National Law
63 Enforcement Telecommunications System region or
64 regions within a specified timeframe if the state is
65 willing to extradite a fugitive defendant; prohibiting
66 the clerk, under certain circumstances, from
67 discharging certain costs and expenses incurred in
68 returning the defendant to the jurisdiction of the
69 court; requiring the clerk to discharge the forfeiture
70 and issue notice of the discharge to the surety;
71 requiring remission of payment to be granted pursuant
72 to certain motions if the disposition of the case
73 occurs after payment of a forfeiture or judgment;
74 prohibiting the clerk from objecting to any motions to
75 set aside a forfeiture, discharge a bond, or reinstate
76 bond if the time for payment or discharge of a
77 forfeiture has not elapsed; making technical changes;
78 amending s. 903.27, F.S.; conforming provisions to
79 changes made by the act; deleting obsolete language;
80 making technical changes; amending s. 903.28, F.S.;
81 revising the timeframe for an applicant seeking
82 remission of a bond forfeiture if the application has
83 been filed and the required notice is transmitted;
84 providing requirements for applying for remission;
85 revising the timeframe for remission for a defendant
86 who surrenders or is deceased, deported, or
87 apprehended after forfeiture; requiring the court to

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88 direct remission of the forfeited bond if the
89 defendant surrenders, is deceased, is deported, or is
90 apprehended within a specified timeframe or if the
91 surety apprehends and surrenders or assists in the
92 apprehension and surrender of a defendant; revising
93 the remission schedule if the defendant is brought
94 before the court within certain timeframes after
95 forfeiture; requiring the court to remit 100 percent
96 of the forfeiture if the state is unwilling to seek
97 extradition or fails to place a detainer on a
98 defendant in custody outside the jurisdiction;
99 requiring that certain timeframes be tolled when a
100 defendant is held outside the 50 states of the United
101 States if the state is willing to extradite the
102 defendant and the surety agent or surety company
103 consents to pay all costs and expenses incurred by an
104 official in returning the defendant to the
105 jurisdiction of the court; requiring, rather than
106 authorizing, the court to order remission of
107 forfeiture if the surety can show proof of attempts
108 made by the surety to apprehend the defendant or
109 surrender him or her back to the jurisdiction of the
110 court; revising the time to deliver notice to the
111 clerk of the circuit court and the state attorney
112 before a hearing on an application for remission;
113 authorizing the clerk to charge interest for the
114 remission of forfeiture; establishing the due date for
115 remission; amending s. 903.29, F.S.; revising the
116 timeframe within which a surety may arrest a principal

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117 to bring him or her to the official in whose custody
118 the principal should be; amending s. 903.31, F.S.;
119 requiring the clerk to discharge a bond if the case
120 the bond is under has been resolved within a specified
121 timeframe; revising the exceptions to exclude cases in
122 which a forfeiture was set aside or reinstated by the
123 court or a new bond was posted; providing that an
124 original appearance bond is not a guarantee for a
125 sentencing deferral; making technical changes;
126 amending s. 924.065, F.S.; deleting the requirement
127 that an appellant retain at least two sureties for a
128 supersedeas bond; deleting conditions placed on
129 supersedeas bonds; amending s. 951.26, F.S.; adding a
130 licensed bail agent to the membership of public safety
131 coordinating councils; reenacting s. 903.36(4), F.S.,
132 relating to guaranteed arrest bond certificates as
133 cash bail, to incorporate the amendment made to s.
134 903.045, F.S., in a reference thereto; reenacting ss.
135 903.047(1)(c) and 907.041(5)(c) and (d), F.S.,
136 relating to conditions of pretrial release and
137 pretrial detention and release, respectively , to
138 incorporate the amendment made to s. 903.046, F.S., in
139 references thereto; reenacting s. 903.286, F.S.,
140 relating to the return of cash bonds and requirements
141 to withhold unpaid fines, fees, and court costs, to
142 incorporate the amendments made to ss. 903.09 and
143 903.31, F.S., in references thereto; reenacting s.
144 924.14, F.S., relating to stays of execution when a
145 defendant appeals, to incorporate the amendment made

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146 in s. 924.065, F.S., in a reference thereto;
147 reenacting ss. 394.657(1) and (3)(a), 921.187(1)(p),
148 and 948.51(2), F.S., relating to county planning
149 councils or committees, disposition and sentencing
150 alternatives, and community corrections assistance to
151 counties or county consortiums, respectively, to
152 incorporate the amendment made to s. 951.26, F.S., in
153 references thereto; providing an effective date.
154

155 Be It Enacted by the Legislature of the State of Florida:
156

157 Section 1. Subsection (2) of section 903.011, Florida
158 Statutes, is amended, and subsection (6) of that section is
159 republished, to read:

160 903.011 Pretrial release; general terms; statewide uniform
161 bond schedule.—

162 (2) Any monetary or cash component of any form of pretrial
163 release must ~~may~~ be met by a surety bond or cash bond.

164 (6) A person may not be released before his or her first
165 appearance hearing or bail determination and a judge must
166 determine the appropriate bail, if any, based on an
167 individualized consideration of the criteria in s. 903.046(2),
168 if the person meets any of the following criteria:

169 (a) The person was, at the time of arrest for any felony,
170 on pretrial release, probation, or community control in this
171 state or any other state;

172 (b) The person was, at the time of arrest, designated as a
173 sexual offender or sexual predator in this state or any other
174 state;

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175 (c) The person was arrested for violating a protective
176 injunction;

177 (d) The person was, at the time of arrest, on release from
178 supervision under s. 947.1405, s. 947.146, s. 947.149, or s.
179 944.4731;

180 (e) The person has, at any time before the current arrest,
181 been sentenced pursuant to s. 775.082(9) or s. 775.084 as a
182 prison releasee reoffender, habitual violent felony offender,
183 three-time violent felony offender, or violent career criminal;

184 (f) The person has been arrested three or more times in the
185 6 months immediately preceding his or her arrest for the current
186 offense; or

187 (g) The person's current offense of arrest is for one or
188 more of the following crimes:

189 1. A capital felony, life felony, felony of the first
190 degree, or felony of the second degree;

191 2. A homicide under chapter 782; or any attempt,
192 solicitation, or conspiracy to commit a homicide;

193 3. Assault in furtherance of a riot or an aggravated riot;
194 felony battery; domestic battery by strangulation; domestic
195 violence, as defined in s. 741.28; stalking; mob intimidation;
196 assault or battery on a law enforcement officer; assault or
197 battery on juvenile probation officer, or other staff of a
198 detention center or commitment facility, or a staff member of a
199 commitment facility, or health services personnel; assault or
200 battery on a person 65 years of age or older; robbery; burglary;
201 carjacking; or resisting an officer with violence;

202 4. Kidnapping, false imprisonment, human trafficking, or
203 human smuggling;

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- 204 5. Possession of a firearm or ammunition by a felon,
205 violent career criminal, or person subject to an injunction
206 against committing acts of domestic violence, stalking, or
207 cyberstalking;
- 208 6. Sexual battery; indecent, lewd, or lascivious touching;
209 exposure of sexual organs; incest; luring or enticing a child;
210 or child pornography;
- 211 7. Abuse, neglect, or exploitation of an elderly person or
212 disabled adult;
- 213 8. Child abuse or aggravated child abuse;
- 214 9. Arson; riot, aggravated riot, inciting a riot, or
215 aggravated inciting a riot; or a burglary or theft during a
216 riot;
- 217 10. Escape; tampering or retaliating against a witness,
218 victim, or informant; destruction of evidence; or tampering with
219 a jury;
- 220 11. Any offense committed for the purpose of benefiting,
221 promoting, or furthering the interests of a criminal gang;
- 222 12. Trafficking in a controlled substance, including
223 conspiracy to engage in trafficking in a controlled substance;
- 224 13. Racketeering; or
- 225 14. Failure to appear at required court proceedings while
226 on bail.

227 Section 2. Section 903.045, Florida Statutes, is amended to
228 read:

229 903.045 Nature of criminal ~~surety~~ bail bonds.—It is the
230 public policy of this state and the intent of the Legislature
231 that a criminal ~~surety~~ bail bond, executed by a bail bond agent
232 licensed pursuant to chapter 648 or by a resident of this state,

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233 in connection with the pretrial or appellate release of a
234 criminal defendant, shall be construed as a commitment by and an
235 obligation upon the bail bond agent or the resident of this
236 state to ensure that the defendant appears at all criminal
237 proceedings for which the ~~surety~~ bond is posted.

238 Section 3. Paragraph (d) of subsection (2) of section
239 903.046, Florida Statutes, is amended to read:

240 903.046 Purpose of and criteria for bail determination.—

241 (2) When determining whether to release a defendant on bail
242 or other conditions, and what that bail or those conditions may
243 be, the court shall consider:

244 (d) The defendant's past and present conduct, including any
245 record of convictions, previous flight to avoid prosecution, or
246 failure to appear at court proceedings. However, any defendant
247 who had failed to appear on the day of any required court
248 proceeding ~~in the case at issue~~, but who had later voluntarily
249 appeared or surrendered, shall not be eligible for a
250 recognizance bond; and any defendant who failed to appear on the
251 day of any required court proceeding ~~in the case at issue~~ and
252 who was later arrested shall not be eligible for a recognizance
253 bond or for any form of bond which does not require a monetary
254 undertaking ~~or commitment~~ equal to or greater than \$2,000 or
255 twice the value of the monetary ~~commitment~~ ~~or~~ undertaking of the
256 original bond, whichever is greater. ~~Notwithstanding anything in~~
257 ~~this section, the court has discretion in determining conditions~~
258 ~~of release if the defendant proves circumstances beyond his or~~
259 ~~her control for the failure to appear. This section may not be~~
260 ~~construed as imposing additional duties or obligations on a~~
261 ~~governmental entity related to monetary bonds.~~

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262 Section 4. Section 903.0471, Florida Statutes, is amended
263 to read:

264 903.0471 Violation of condition of pretrial release.—
265 Notwithstanding s. 907.041, a court may, on its own motion,
266 revoke pretrial release and order pretrial detention if the
267 court finds probable cause to believe that the defendant
268 committed a new crime while on pretrial release or violated any
269 other condition of pretrial release in a material respect. Upon
270 entry of such revocation or detention, any bond previously
271 posted as a condition of pretrial release shall be discharged by
272 the clerk of the court without further order of the court.

273 Section 5. Section 903.08, Florida Statutes, is repealed.

274 Section 6. Subsection (1) of section 903.09, Florida
275 Statutes, is amended to read:

276 903.09 Justification of sureties.—

277 (1) A surety, other than a bail bond agent as defined in s.
278 648.25, shall justify her or his suretyship by attaching to the
279 bond United States currency, a United States postal money order,
280 or a cashier's check in the amount of the bond; however, the
281 United States currency, United States postal money order, or
282 cashier's check may not be used to secure more than one bond
283 ~~shall execute an affidavit stating that she or he possesses the~~
284 ~~qualifications and net worth required to become a surety. The~~
285 ~~affidavit shall describe the surety's property and any~~
286 ~~encumbrances and shall state the number and amount of any bonds~~
287 ~~entered into by the surety at any court that remain~~
288 ~~undischarged.~~

289 Section 7. Section 903.101, Florida Statutes, is amended to
290 read:

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291 903.101 Sureties; licensed persons; to have equal access.-
292 Subject to rules adopted by the Department of Financial Services
293 and by the Financial Services Commission, every surety who meets
294 the requirements of ss. 903.05, 903.06, ~~903.08~~, and 903.09, and
295 every person who is currently licensed by the Department of
296 Financial Services and registered as required by s. 648.42 shall
297 have equal access to the jails of this state for the purpose of
298 making bonds.

299 Section 8. Section 903.16, Florida Statutes, is amended to
300 read:

301 903.16 Deposit of money ~~or bonds~~ as bail.-

302 ~~(1)~~ A defendant who has been admitted to bail, or another
303 person in the defendant's behalf, must ~~may~~ deposit with the
304 official authorized to take bail money an amount equal to the
305 bail amount set in the court order. The official receiving such
306 deposit must issue a receipt in the name of the defendant ~~or~~
307 ~~nonregistered bonds of the United States, the state, or a city,~~
308 ~~town, or county in the state, equal in market value to the~~
309 ~~amount set in the order and the personal bond of the defendant~~
310 ~~and an undertaking by the depositor if the money or bonds are~~
311 ~~deposited by another. The sheriff or other officials~~ must ~~may~~
312 remit money ~~or bonds~~ received to the clerk to be held by the
313 clerk pending court action ~~or return to the defendant or~~
314 ~~depositor. The clerk shall accept money or bonds remitted by the~~
315 sheriff.

316 ~~(2) Consent is conclusively presumed for the clerk of the~~
317 ~~circuit court to sell bonds deposited as bail after forfeiture~~
318 ~~of the bond.~~

319 Section 9. Section 903.17, Florida Statutes, is repealed.

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320 Section 10. Section 903.18, Florida Statutes, is amended to
321 read:

322 903.18 Bail after deposit of money or bonds.—Bail by
323 sureties may be substituted for a deposit of money or bonds as
324 bail any time before a forfeiture ~~breach~~ of the bond.

325 Section 11. Section 903.20, Florida Statutes, is amended to
326 read:

327 903.20 Surrender of defendant.—The defendant may surrender
328 himself or herself or a surety may surrender the defendant any
329 time before a forfeiture ~~breach~~ of the bond.

330 Section 12. Paragraph (a) of subsection (3) of section
331 903.21, Florida Statutes, is amended to read:

332 903.21 Method of surrender; exoneration of obligors.—

333 (3)(a) The surety shall be exonerated of liability on the
334 bond if it is determined before forfeiture ~~breach~~ of the bond
335 that the defendant is in any jail or prison and the surety
336 agrees in writing to pay the costs and expenses incurred in
337 returning the defendant to the jurisdiction of the court. Upon
338 affirmation by a sheriff or the chief correctional officer of
339 the defendant being in any jail or prison and the surety
340 agreeing in writing to pay the costs and expenses incurred in
341 returning the defendant to the jurisdiction of the court, the
342 clerk must, without further hearing or order of the court,
343 discharge the bond. A surety is only responsible for the
344 itemized costs and expenses incurred for the transport of a
345 defendant to whom he or she has a fiduciary duty and is not
346 liable for the costs and expenses incurred in transporting any
347 other defendant.

348 Section 13. Subsection (1), paragraph (a) of subsection

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349 (2), and subsections (3), (4), (5), and (8) of section 903.26,
350 Florida Statutes, are amended, and new subsections (5) and (8)
351 and subsection (9) are added to that section, to read:

352 903.26 Forfeiture of the bond; when and how directed;
353 discharge; how and when made; effect of payment.—

354 (1) A bail bond shall not be forfeited unless:

355 (a) The information, indictment, or affidavit was filed
356 within 6 months from the date of arrest;~~;~~ and

357 (b) The clerk of the court gave the surety at least 72
358 hours' notice, exclusive of Saturdays, Sundays, and holidays,
359 before the time of the required appearance of the defendant.
360 Notice is ~~shall~~ not ~~be~~ necessary if the time for appearance is
361 within 72 hours from the time of arrest, or if the time is
362 stated on the bond. Such notice must ~~may~~ be ~~mailed or~~
363 electronically transmitted, using the e-mail address on file
364 with the Division of Insurance Agent and Agency Services or the
365 e-mail address on file with the clerk. A certificate signed by
366 the clerk or the clerk's designee which certifies that the
367 notice required by this paragraph was electronically transmitted
368 on a specified date and which is accompanied by a copy of the
369 required notice constitutes sufficient proof that such
370 electronic transmission was properly accomplished.

371 (2) (a) If there is a failure of the defendant to appear as
372 required, the court must ~~shall~~ declare the bond and any bonds or
373 money deposited as bail forfeited. The clerk of the court shall
374 ~~mail or~~ electronically transmit a notice to the surety agent,
375 the bail agency, and the surety company using the e-mail
376 addresses on file with the Division of Insurance Agent and
377 Agency Services or the e-mail addresses on file with the clerk

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378 within 5 days after the forfeiture. Such notice must include the
379 defendant's name, the case number, the criminal charge, the
380 power of attorney number, the bond amount, and the date of
381 forfeiture. A certificate signed by the clerk of the court or
382 the clerk's designee, certifying that the notice required herein
383 was ~~mailed or~~ electronically transmitted on a specified date and
384 accompanied by a copy of the required notice, shall constitute
385 sufficient proof that such mailing or electronic transmission
386 was properly accomplished as indicated therein. If such mailing
387 or electronic transmission was properly accomplished as
388 evidenced by such certificate, the failure of the surety agent,
389 of a bail agency, of a company, or of a defendant to receive
390 such notice shall not constitute a defense to such forfeiture
391 and shall not be grounds for discharge, remission, reduction,
392 set aside, or continuance of such forfeiture. The forfeiture
393 shall be paid within 60 days after the date the notice was
394 mailed or electronically transmitted.

395 (3) Sixty days after the forfeiture notice has been ~~mailed~~
396 ~~or~~ electronically transmitted:

397 (a) State and county officials having custody of forfeited
398 money shall deposit the money in the fine and forfeiture fund
399 established pursuant to s. 142.01.

400 (b) ~~Municipal officials having custody of forfeited money~~
401 ~~shall deposit the money in a designated municipal fund.~~

402 ~~(c)~~ Officials having custody of bonds as authorized by s.
403 903.16 shall transmit the bonds to the clerk of the circuit
404 court who shall sell them at market value and disburse the
405 proceeds as provided in paragraph (a) ~~paragraphs (a) and (b).~~

406 ~~(4) (a) When a bond is forfeited, the clerk shall transmit~~

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407 ~~the bond and any affidavits to the clerk of the circuit court in~~
408 ~~which the bond and affidavits are filed. The clerk of the~~
409 ~~circuit court shall record the forfeiture in the deed or~~
410 ~~official records book. If the undertakings and affidavits~~
411 ~~describe real property in another county, the clerk shall~~
412 ~~transmit the bond and affidavits to the clerk of the circuit~~
413 ~~court of the county where the property is located who shall~~
414 ~~record and return them.~~

415 ~~(b) The bond and affidavits shall be a lien on the real~~
416 ~~property they describe from the time of recording in the county~~
417 ~~where the property is located for 2 years or until the final~~
418 ~~determination of an action instituted thereon within a 2-year~~
419 ~~period. If an action is not instituted within 2 years from the~~
420 ~~date of recording, the lien shall be discharged. The lien will~~
421 ~~be discharged 2 years after the recording even if an action was~~
422 ~~instituted within 2 years unless a lis pendens notice is~~
423 ~~recorded in the action.~~

424 ~~(4)-(5)~~ The court shall discharge a forfeiture within 60
425 days upon:

426 (a) A determination that it was impossible for the
427 defendant to appear as required or within 60 days after the
428 forfeiture notice has been electronically transmitted ~~date of~~
429 ~~the required appearance~~ due to circumstances beyond the
430 defendant's control. The potential adverse economic consequences
431 of appearing as required may not be considered as constituting a
432 ground for such a determination;

433 (b) A determination that, at the time of the required
434 appearance or within 60 days after the forfeiture notice has
435 been electronically transmitted ~~the date of the required~~

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436 ~~appearance~~, the defendant is or was confined in an institution
437 or hospital; is or was confined in any county, state, federal,
438 or immigration detention facility; is being or was deported; or
439 is deceased;

440 (c) Surrender or arrest of the defendant at the time of the
441 required appearance or within 60 days after the forfeiture
442 notice has been electronically transmitted ~~the date of the~~
443 ~~required appearance~~ in any county, state, or federal jail or
444 prison or any immigration detention facility ~~and upon a hold~~
445 ~~being placed to return the defendant to the jurisdiction of the~~
446 ~~court~~. The court shall condition a discharge ~~or remission~~ on the
447 payment of costs and the expenses incurred by an official in
448 returning the defendant to the jurisdiction of the court, as
449 provided in s. 903.21(3); or

450 (d) A determination that the state is unwilling to seek
451 extradition of the fugitive defendant within 10 ~~30~~ days after a
452 written request by the surety agent or bail agency to do so, and
453 contingent upon the surety agent's consent to pay all costs and
454 the expenses incurred by an official in returning the defendant
455 to the jurisdiction of the court, up to the penal amount of the
456 bond, pursuant to s. 903.21(3). If the state does not respond in
457 writing within 10 days after receiving a written request by the
458 surety agent or bail agency to seek a determination of
459 extradition, it shall be presumed that the state is unwilling to
460 seek extradition, and such unresponsiveness may be admitted as
461 evidence in extradition proceedings.

462 (5) If the state is willing to extradite, it must enter the
463 defendant into the National Crime Information Center database
464 for the National Law Enforcement Telecommunications System

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465 region or regions within 10 days after a request by the surety
466 to do so.

467 (7)~~(8)~~ If the defendant is arrested and returned to the
468 county of jurisdiction of the court or has posted a new bond for
469 the case at issue before judgment, the clerk, upon affirmation
470 by the sheriff or the chief correctional officer, shall, without
471 further hearing or order of the court, discharge the forfeiture
472 of the bond. However, if the surety agent fails to pay the costs
473 and expenses incurred in returning the defendant to the county
474 of jurisdiction, the clerk shall not discharge the costs and
475 expenses incurred in returning the defendant to the jurisdiction
476 of the court ~~the forfeiture of the bond~~. If the surety agent and
477 the sheriff fail to agree on the amount of said costs, then the
478 court, after notice to the sheriff and the state attorney, shall
479 determine the amount of the costs.

480 (8) If, after forfeiture of a bond, the criminal charges
481 for which the bond guaranteed appearance are resolved,
482 adjudicated, or otherwise disposed of by any action of the court
483 or state, the clerk must, without further order of the court,
484 discharge the forfeiture and issue a notice of discharge to the
485 surety. If such resolution or disposition occurs after payment
486 of a forfeiture or judgment, remission must be granted upon
487 proper motion and as directed pursuant to s. 903.28.

488 (9) Unless the time for payment or discharge of the
489 forfeiture set forth in s. 903.27(1) has elapsed, or unless
490 payment of the forfeiture has already been made, the clerk may
491 not object to a motion to set aside a forfeiture pursuant to
492 paragraph (2) (b), a motion to discharge bond pursuant to
493 subsection (4), or a motion to reinstate bond pursuant to s.

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494 903.31(2).

495 Section 14. Subsections (1), (3), (4), and (5) of section
496 903.27, Florida Statutes, are amended to read:

497 903.27 Forfeiture to judgment.—

498 (1) If the forfeiture is not paid or discharged by order of
499 the a court of competent jurisdiction within 60 days after the
500 forfeiture notice has been electronically transmitted ~~and the~~
501 ~~bond is secured other than by money and bonds authorized in s.~~
502 ~~903.16~~, the clerk of the circuit court for the county where the
503 order was made shall enter a judgment against the surety for the
504 amount of the penalty and issue execution. However, in any case
505 in which the bond forfeiture has been discharged by the court ~~of~~
506 ~~competent jurisdiction~~ conditioned upon the payment by the
507 surety of certain costs or fees as allowed by statute, the
508 amount for which judgment may be entered may not exceed the
509 amount of the unpaid fees or costs upon which the discharge had
510 been conditioned. Judgment for the full amount of the forfeiture
511 shall not be entered if payment of a lesser amount will satisfy
512 the conditions to discharge the forfeiture. Within 5 ~~10~~ days,
513 the clerk shall furnish the Department of Financial Services and
514 the Office of Insurance Regulation of the Financial Services
515 Commission with a certified copy of the judgment docket and
516 shall furnish the surety company at its home office a copy of
517 the judgment, which shall include the power of attorney number
518 of the bond and the name of the executing agent. If the judgment
519 is not paid within 35 days, the clerk shall furnish the
520 Department of Financial Services, the Office of Insurance
521 Regulation, and the sheriff of the county in which the bond was
522 executed, or the official responsible for operation of the

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523 county jail, if other than the sheriff, two copies of the
524 judgment and a certificate stating that the judgment remains
525 unsatisfied. When and if the judgment is properly paid or an
526 order to vacate the judgment has been entered by the ~~a~~ court ~~of~~
527 ~~competent jurisdiction~~, the clerk shall immediately notify the
528 sheriff, or the official responsible for the operation of the
529 county jail, if other than the sheriff, and the Department of
530 Financial Services and the Office of Insurance Regulation, if
531 the department and office had been previously notified of
532 nonpayment, of such payment or order to vacate the judgment. The
533 clerk may furnish documents or give notice as required in this
534 subsection by mail or electronic means. The clerk shall also
535 immediately prepare and record in the public records a
536 satisfaction of the judgment or record the order to vacate
537 judgment. If the defendant is returned to the county of
538 jurisdiction of the court, whenever a motion to set aside the
539 judgment is filed, the operation of this section is tolled until
540 the court makes a disposition of the motion.

541 (3) Surety bail bonds may not be executed by a bail bond
542 agent or a bail agency against whom a judgment has been entered
543 which has remained unpaid for 35 days and may not be executed
544 for a company against whom a judgment has been entered which has
545 remained unpaid for 50 days. No sheriff or other official who is
546 empowered to accept or approve surety bail bonds shall accept or
547 approve such a bond executed by such a bail bond agent or
548 executed for such a company until such judgment has been paid.

549 (4) After notice of judgment against the surety, or bail
550 agency, given by the clerk of the circuit court, the surety or
551 bail bond agent shall, within 35 days after ~~of~~ the entry of

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552 judgment, submit to the clerk of the circuit court an amount
 553 equal to the judgment, unless the judgment has been set aside by
 554 the court within 35 days after ~~of~~ the entry of judgment. If a
 555 motion to set aside the judgment has been filed pursuant to
 556 subsection (5), the amount submitted shall be held in escrow
 557 until such time as the court has disposed of the motion. The
 558 failure to comply with the provisions of this subsection
 559 constitutes a failure to pay the judgment.

560 (5) After notice of judgment against the surety given by
 561 the clerk of the circuit court, the surety, bail agency, or bail
 562 bond agent may within 35 days file a motion to set aside the
 563 judgment or to stay the judgment. It shall be a condition of any
 564 such motion and of any order to stay the judgment that the
 565 surety pay the amount of the judgment to the clerk, which amount
 566 shall be held in escrow until such time as the court has
 567 disposed of the motion to set aside the judgment. The filing of
 568 such a motion, when accompanied by the required escrow deposit,
 569 shall act as an automatic stay of further proceedings, including
 570 execution, until the motion has been heard and a decision
 571 rendered by the court.

572 Section 15. Section 903.28, Florida Statutes, is amended,
 573 to read:

574 903.28 Remission of forfeiture; conditions.—

575 (1) An application for remission may not be brought or
 576 considered by the court unless such ~~an~~ application is filed
 577 within 3 ~~2~~ years after from the forfeiture notice has been
 578 electronically transmitted. Upon a timely filed application for
 579 remission ~~forfeiture~~, the court shall order remission of the
 580 forfeiture in accordance with the remission schedule set forth

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581 in subsection (2) if it determines that there was no breach of
582 the bond.

583 (2) If the defendant surrenders, is deceased, deported, or
584 is apprehended within 3 years 90 days after the forfeiture,
585 notice was electronically transmitted; if the surety apprehended
586 and surrendered the defendant; if the apprehension or surrender
587 of the defendant was substantially procured or caused by the
588 surety; or if the surety has substantially attempted to procure
589 or cause the apprehension or surrender of the defendant, the
590 court, on motion at a hearing upon notice having been given to
591 the clerk of the circuit court and the state attorney as
592 required in subsection (6) (8), shall direct remission of
593 forfeiture, after deducting the costs to transport the defendant
594 to the jurisdiction of the court, based upon the date of
595 surrender, death, apprehension, or deportation, as follows:

- 596 (a) If within 90 days after forfeiture, 100 percent.
597 (b) If within 180 days after forfeiture, 95 percent.
598 (c) If within 270 days after forfeiture, 90 percent.
599 (d) If within 360 days after forfeiture, 85 percent.
600 (e) If within 450 days after forfeiture, 80 percent.
601 (f) If within 540 days after forfeiture, 75 percent.
602 (g) If within 630 days after forfeiture, 70 percent.
603 (h) If within 720 days after forfeiture, 65 percent.
604 (i) If within 810 days after forfeiture, 60 percent.
605 (j) If within 900 days after forfeiture, 55 percent.
606 (k) If within 1,000 days after forfeiture, 50 percent.
607 (l) If within 1,095 days after forfeiture, 45 percent.

608
609 up to, but not more than, 100 percent of a forfeiture if the

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610 ~~surety apprehended and surrendered the defendant or if the~~
611 ~~apprehension or surrender of the defendant was substantially~~
612 ~~procured or caused by the surety, or the surety has~~
613 ~~substantially attempted to procure or cause the apprehension or~~
614 ~~surrender of the defendant, and the delay has not thwarted the~~
615 ~~proper prosecution of the defendant. In addition, remission~~
616 ~~shall be granted when the surety did not substantially~~
617 ~~participate or attempt to participate in the apprehension or~~
618 ~~surrender of the defendant when the costs of returning the~~
619 ~~defendant to the jurisdiction of the court have been deducted~~
620 ~~from the remission and when the delay has not thwarted the~~
621 ~~proper prosecution of the defendant.~~

622 (3) Within 3 years after forfeiture, if the state is
623 unwilling to seek extradition of the defendant from any jail or
624 prison after a request by the surety agent, bail agency, or
625 surety company, and contingent upon the surety agent, bail
626 agency, or surety company consenting to pay all costs incurred
627 by an official in returning the defendant to the jurisdiction of
628 the court as provided in s. 903.21(3), up to the penal amount of
629 the bond, the court shall direct remission of 100 percent of the
630 forfeiture. In addition, if the defendant was confined in any
631 county, state, federal, or immigration detention facility and
632 subsequently released from custody or deported, without the
633 state placing a detainer on the defendant, the court must direct
634 remission of 100 percent of the forfeiture. If the defendant
635 ~~surrenders or is apprehended within 180 days after forfeiture,~~
636 ~~the court, on motion at a hearing upon notice having been given~~
637 ~~to the clerk of the circuit court and the state attorney as~~
638 ~~required in subsection (8), shall direct remission of up to, but~~

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639 ~~not more than, 95 percent of a forfeiture if the surety~~
640 ~~apprehended and surrendered the defendant or if the apprehension~~
641 ~~or surrender of the defendant was substantially procured or~~
642 ~~caused by the surety, or the surety has substantially attempted~~
643 ~~to procure or cause the apprehension or surrender of the~~
644 ~~defendant, and the delay has not thwarted the proper prosecution~~
645 ~~of the defendant. In addition, remission shall be granted when~~
646 ~~the surety did not substantially participate or attempt to~~
647 ~~participate in the apprehension or surrender of the defendant~~
648 ~~when the costs of returning the defendant to the jurisdiction of~~
649 ~~the court have been deducted from the remission and when the~~
650 ~~delay has not thwarted the proper prosecution of the defendant.~~

651 (4) If the defendant is in a location other than one of the
652 50 states of the United States, and the state is willing to seek
653 extradition of the defendant contingent upon the surety agent's
654 or the surety company's consent to pay all costs and expenses
655 incurred by an official in returning the defendant to the
656 jurisdiction of the court, up to the penal amount of the bond,
657 the time periods in subsections (1) and (2) are tolled beginning
658 on the date the surety agent or the surety company informs the
659 state of the defendant's location and ending on the date the
660 defendant is returned to the jurisdiction of the court. ~~If the~~
661 ~~defendant surrenders or is apprehended within 270 days after~~
662 ~~forfeiture, the court, on motion at a hearing upon notice having~~
663 ~~been given to the clerk of the circuit court and the state~~
664 ~~attorney as required in subsection (8), shall direct remission~~
665 ~~of up to, but not more than, 90 percent of a forfeiture if the~~
666 ~~surety apprehended and surrendered the defendant or if the~~
667 ~~apprehension or surrender of the defendant was substantially~~

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668 ~~procured or caused by the surety, or the surety has~~
669 ~~substantially attempted to procure or cause the apprehension or~~
670 ~~surrender of the defendant, and the delay has not thwarted the~~
671 ~~proper prosecution of the defendant. In addition, remission~~
672 ~~shall be granted when the surety did not substantially~~
673 ~~participate or attempt to participate in the apprehension or~~
674 ~~surrender of the defendant when the costs of returning the~~
675 ~~defendant to the jurisdiction of the court have been deducted~~
676 ~~from the remission and when the delay has not thwarted the~~
677 ~~proper prosecution of the defendant.~~

678 ~~(5) If the defendant surrenders or is apprehended within 1~~
679 ~~year after forfeiture, the court, on motion at a hearing upon~~
680 ~~notice having been given to the clerk of the circuit court and~~
681 ~~the state attorney as required in subsection (8), shall direct~~
682 ~~remission of up to, but not more than, 85 percent of a~~
683 ~~forfeiture if the surety apprehended and surrendered the~~
684 ~~defendant or if the apprehension or surrender of the defendant~~
685 ~~was substantially procured or caused by the surety, or the~~
686 ~~surety has substantially attempted to procure or cause the~~
687 ~~apprehension or surrender of the defendant, and the delay has~~
688 ~~not thwarted the proper prosecution of the defendant. In~~
689 ~~addition, remission shall be granted when the surety did not~~
690 ~~substantially participate or attempt to participate in the~~
691 ~~apprehension or surrender of the defendant when the costs of~~
692 ~~returning the defendant to the jurisdiction of the court have~~
693 ~~been deducted from the remission and when the delay has not~~
694 ~~thwarted the proper prosecution of the defendant.~~

695 ~~(6) If the defendant surrenders or is apprehended within 2~~
696 ~~years after forfeiture, the court, on motion at a hearing upon~~

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697 ~~notice having been given to the clerk of the circuit court and~~
698 ~~the state attorney as required in subsection (8), shall direct~~
699 ~~remission of up to, but not more than, 50 percent of a~~
700 ~~forfeiture if the surety apprehended and surrendered the~~
701 ~~defendant or if the apprehension or surrender of the defendant~~
702 ~~was substantially procured or caused by the surety, or the~~
703 ~~surety has substantially attempted to procure or cause the~~
704 ~~apprehension or surrender of the defendant, and the delay has~~
705 ~~not thwarted the proper prosecution of the defendant. In~~
706 ~~addition, remission shall be granted when the surety did not~~
707 ~~substantially participate or attempt to participate in the~~
708 ~~apprehension or surrender of the defendant when the costs of~~
709 ~~returning the defendant to the jurisdiction of the court have~~
710 ~~been deducted from the remission and when the delay has not~~
711 ~~thwarted the proper prosecution of the defendant.~~

712 ~~(5)-(7)~~ The remission of a forfeiture may not be ordered for
713 any reason other than as specified herein.

714 ~~(6)-(8)~~ An application for remission must be accompanied by
715 affidavits setting forth the facts on which it is founded;
716 however, the surety must establish by further documentation or
717 other evidence any claimed attempt at procuring or causing the
718 apprehension or surrender of the defendant before the court must
719 ~~may~~ order remission based upon an attempt to procure or cause
720 such apprehension or surrender. The clerk of the circuit court
721 and the state attorney must be given 10 ~~20~~ days' notice before a
722 hearing on an application and be furnished copies of all papers,
723 applications, and affidavits. Remission shall be granted on the
724 condition of payment of costs pursuant to s. 903.21(3), unless
725 the ground for remission is that there was no breach of the

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726 bond.

727 ~~(7)(9)~~ The clerk of the circuit court may enter into a
728 contract with a private attorney or into an interagency
729 agreement with a governmental agency to represent the clerk of
730 the court in an action for the remission of a forfeiture under
731 this section.

732 ~~(8)(10)~~ The clerk of the circuit court is the real party in
733 interest for all appeals arising from an action for the
734 remission of a forfeiture under this section.

735 (9) The clerk may charge interest for the remission of a
736 forfeiture pursuant to s. 218.74(4). The due date for remission
737 is the date of the court granting remission.

738 Section 16. Section 903.29, Florida Statutes, is amended to
739 read:

740 903.29 Arrest of principal by surety after forfeiture.—
741 Within 3 ~~2~~ years from the date of forfeiture of a bond, the
742 surety may arrest the principal for the purpose of surrendering
743 the principal to the official in whose custody she or he was at
744 the time bail was taken or in whose custody the principal would
745 have been placed had she or he been committed.

746 Section 17. Subsections (1) and (2) of section 903.31,
747 Florida Statutes, are amended to read:

748 903.31 Canceling the bond.—

749 (1) Within 10 business days after the conditions of a bond
750 have been satisfied or the forfeiture discharged or remitted,
751 the court shall order the bond canceled and, if the surety has
752 attached a certificate of cancellation to the original bond, the
753 clerk of the court shall mail or electronically furnish an
754 executed certificate of cancellation to the surety without cost.

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755 An adjudication of guilt or innocence or an acquittal, if a
756 period of 3 years ~~36 months~~ has passed since the original bond
757 was posted, ~~or~~ a withholding of an adjudication of guilt, or
758 finding of guilt or no action taken by the state satisfies shall
759 ~~satisfy~~ the conditions of the bond, and the clerk shall
760 discharge the bond. If the bond has been revoked by the court,
761 the clerk must discharge the bond. The original appearance bond
762 shall expire 3 years ~~36 months~~ after such bond has been posted
763 for the release of the defendant from custody. This subsection
764 does not apply to cases in which a bond has been declared
765 forfeited before the 3-year ~~36-month~~ expiration, unless the
766 forfeiture was set aside, the original bond was reinstated, or a
767 new bond was posted.

768 (2) The original appearance bond does not guarantee a
769 deferred sentence; a sentencing deferral; appearance during or
770 after a presentence investigation; appearance during or after
771 appeals; conduct during or appearance after admission to a
772 pretrial intervention program; placement in a court-ordered
773 program, including a residential mental health facility; payment
774 of fines; or attendance at educational or rehabilitation
775 facilities the court otherwise provides in the judgment. If the
776 original appearance bond has been forfeited or revoked, the bond
777 shall not be reinstated without approval from the surety on the
778 original bond.

779 Section 18. Subsection (2) of section 924.065, Florida
780 Statutes, is amended to read:

781 924.065 Denial of motion for new trial or arrest of
782 judgment; appeal bond; supersedeas.—

783 (2) An appeal may not be a supersedeas to the execution of

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784 the judgment, sentence, or order of ~~until the appellant has~~
785 ~~entered into a bond with at least two sureties to secure the~~
786 ~~payment of the judgment, fine, and any future costs that may be~~
787 ~~adjudged by the appellate court. The bond shall be conditioned~~
788 ~~on the appellant's personally answering and abiding by the final~~
789 ~~order, sentence, or judgment of the appellate court and, if the~~
790 ~~action is remanded, on the appellant's appearing before the~~
791 ~~court in which the case was originally determined and not~~
792 ~~departing without leave of court.~~

793 Section 19. Subsection (1) of section 951.26, Florida
794 Statutes, is amended to read:

795 951.26 Public safety coordinating councils.—

796 (1) Each board of county commissioners shall establish a
797 county public safety coordinating council for the county or
798 shall join with a consortium of one or more other counties to
799 establish a public safety coordinating council for the
800 geographic area represented by the member counties.

801 (a)1. The public safety coordinating council for a county
802 shall consist of:

803 a. The state attorney, or an assistant state attorney
804 designated by the state attorney.

805 b. The public defender, or an assistant public defender
806 designated by the public defender.

807 c. The chief circuit judge, or another circuit judge
808 designated by the chief circuit judge.

809 d. The chief county judge, or another county judge
810 designated by the chief county judge.

811 e. The chief correctional officer.

812 f. The sheriff, or a member designated by the sheriff, if

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813 the sheriff is not the chief correctional officer.

814 g. The state probation circuit administrator, or a member
815 designated by the state probation circuit administrator, to be
816 appointed to a 4-year term.

817 h. The chair ~~chairperson~~ of the board of county
818 commissioners, or another county commissioner as designee.

819 i. If the county has such program available, the director
820 of any county probation or pretrial intervention program, to be
821 appointed to a 4-year term.

822 j. The director of a local substance abuse treatment
823 program, or a member designated by the director, to be appointed
824 to a 4-year term.

825 k. Representatives from county and state jobs programs and
826 other community groups who work with offenders and victims,
827 appointed by the chair ~~chairperson~~ of the board of county
828 commissioners to 4-year terms.

829 1. A bail agent licensed under chapter 648, designated by
830 the chair of the council, to be appointed to a 4-year term.

831 2. The chair ~~chairperson~~ of the board of county
832 commissioners, or another county commissioner as designee, shall
833 serve as the chair ~~chairperson~~ of the council until the council
834 elects a chair ~~chairperson~~ from the membership of the council.

835 (b)1. The public safety coordinating council for a
836 consortium of two or more counties shall consist of the
837 following members, appointed with the approval of each board of
838 county commissioners within the consortium:

839 a. A chief circuit judge, or a circuit judge designated by
840 a chief circuit judge.

841 b. A chief county judge, or a county judge designated by a

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842 chief county judge.

843 c. A state attorney, or an assistant state attorney
844 designated by a state attorney.

845 d. A public defender, or an assistant public defender
846 designated by a public defender.

847 e. A state probation circuit administrator, or a member
848 designated by a state probation circuit administrator, to be
849 appointed to a 4-year term.

850 f. A physician who practices in the area of alcohol and
851 substance abuse, to be appointed to a 4-year term.

852 g. A mental health professional who practices in the area
853 of alcohol and substance abuse, to be appointed to a 4-year
854 term.

855 h. A sheriff or a jail administrator for a county within
856 the consortium.

857 i. A chief of police for a municipality within the
858 geographic area of the consortium.

859 j. A county commissioner from each member county of the
860 consortium.

861 k. An elected member of the governing body of the most
862 populous municipality within the geographic area of the
863 consortium.

864 l. An elected member of a school board within the
865 geographic area of the consortium.

866 m. A bail agent licensed under chapter 648, designated by
867 the chair of the council, to be appointed to a 4-year term.

868 2. The members of the public safety coordinating council
869 shall elect a chair ~~chairperson~~ from among the ~~its~~ members.

870 Section 20. For the purpose of incorporating the amendment

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871 made by this act to section 903.045, Florida Statutes, in a
872 reference thereto, subsection (4) of section 903.36, Florida
873 Statutes, is reenacted to read:

874 903.36 Guaranteed arrest bond certificates as cash bail.—

875 (4) The provisions of s. 903.045 applicable to bail bond
876 agents shall apply to surety insurers and their licensed general
877 lines agents who execute bail bonds pursuant to this section.

878 Section 21. For the purpose of incorporating the amendment
879 made by this act to section 903.046, Florida Statutes, in a
880 reference thereto, paragraph (c) of subsection (1) of section
881 903.047, Florida Statutes, is reenacted to read:

882 903.047 Conditions of pretrial release.—

883 (1) As a condition of pretrial release, whether such
884 release is by surety bail bond or recognizance bond or in some
885 other form, the defendant must:

886 (c) Comply with all conditions of pretrial release imposed
887 by the court. A court must consider s. 903.046(2) when
888 determining whether to impose nonmonetary conditions in addition
889 to or in lieu of monetary bond. Such nonmonetary conditions may
890 include, but are not limited to, requiring a defendant to:

891 1. Maintain employment, or, if unemployed, actively seek
892 employment.

893 2. Maintain or commence an educational program.

894 3. Abide by specified restrictions on personal
895 associations, place of residence, or travel.

896 4. Report on a regular basis to a designated law
897 enforcement agency, pretrial services agency, or other agency.

898 5. Comply with a specified curfew.

899 6. Refrain from possessing a firearm, destructive device,

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900 or other dangerous weapon.

901 7. Refrain from excessive use of alcohol, or any use of a
902 narcotic drug or other controlled substance without a
903 prescription from a licensed medical practitioner.

904 8. Undergo available medical, psychological, psychiatric,
905 mental health, or substance abuse evaluation and follow all
906 recommendations, including treatment for drug or alcohol
907 dependency, and remain in a specified institution, if required
908 for that purpose.

909 9. Return to custody for specified hours following release
910 for employment, school, or other limited purposes.

911 10. Any other condition that is reasonably necessary to
912 assure the appearance of the defendant at subsequent proceedings
913 and to protect the community against unreasonable danger of
914 harm.

915 Section 22. For the purpose of incorporating the amendment
916 made by this act to section 903.046, Florida Statutes, in
917 references thereto, paragraphs (c) and (d) of subsection (5) of
918 section 907.041, Florida Statutes, are reenacted to read:

919 907.041 Pretrial detention and release.—

920 (5) PRETRIAL DETENTION.—

921 (c) Upon motion by the state attorney, the court may order
922 pretrial detention if it finds a substantial probability, based
923 on a defendant's past and present patterns of behavior, the
924 criteria in s. 903.046, and any other relevant facts, that any
925 of the following circumstances exist:

926 1. The defendant has previously violated conditions of
927 release and that no further conditions of release are reasonably
928 likely to assure the defendant's appearance at subsequent

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929 proceedings;

930 2. The defendant, with the intent to obstruct the judicial
931 process, has threatened, intimidated, or injured any victim,
932 potential witness, juror, or judicial officer, or has attempted
933 or conspired to do so, and that no condition of release will
934 reasonably prevent the obstruction of the judicial process;

935 3. The defendant is charged with trafficking in controlled
936 substances as defined by s. 893.135, that there is a substantial
937 probability that the defendant has committed the offense, and
938 that no conditions of release will reasonably assure the
939 defendant's appearance at subsequent criminal proceedings;

940 4. The defendant is charged with DUI manslaughter, as
941 defined by s. 316.193, and that there is a substantial
942 probability that the defendant committed the crime and that the
943 defendant poses a threat of harm to the community; conditions
944 that would support a finding by the court pursuant to this
945 subparagraph that the defendant poses a threat of harm to the
946 community include, but are not limited to, any of the following:

947 a. The defendant has previously been convicted of any crime
948 under s. 316.193, or of any crime in any other state or
949 territory of the United States that is substantially similar to
950 any crime under s. 316.193;

951 b. The defendant was driving with a suspended driver
952 license when the charged crime was committed; or

953 c. The defendant has previously been found guilty of, or
954 has had adjudication of guilt withheld for, driving while the
955 defendant's driver license was suspended or revoked in violation
956 of s. 322.34;

957 5. The defendant poses the threat of harm to the community.

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958 The court may so conclude, if it finds that the defendant is
959 presently charged with a dangerous crime, that there is a
960 substantial probability that the defendant committed such crime,
961 that the factual circumstances of the crime indicate a disregard
962 for the safety of the community, and that there are no
963 conditions of release reasonably sufficient to protect the
964 community from the risk of physical harm to persons;

965 6. The defendant was on probation, parole, or other release
966 pending completion of sentence or on pretrial release for a
967 dangerous crime at the time the current offense was committed;

968 7. The defendant has violated one or more conditions of
969 pretrial release or bond for the offense currently before the
970 court and the violation, in the discretion of the court,
971 supports a finding that no conditions of release can reasonably
972 protect the community from risk of physical harm to persons or
973 assure the presence of the accused at trial; or

974 8.a. The defendant has ever been sentenced pursuant to s.
975 775.082(9) or s. 775.084 as a prison releasee reoffender,
976 habitual violent felony offender, three-time violent felony
977 offender, or violent career criminal, or the state attorney
978 files a notice seeking that the defendant be sentenced pursuant
979 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
980 habitual violent felony offender, three-time violent felony
981 offender, or violent career criminal;

982 b. There is a substantial probability that the defendant
983 committed the offense; and

984 c. There are no conditions of release that can reasonably
985 protect the community from risk of physical harm or ensure the
986 presence of the accused at trial.

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987 (d) If a defendant is arrested for a dangerous crime that
988 is a capital felony, a life felony, or a felony of the first
989 degree, and the court determines there is probable cause to
990 believe the defendant committed the offense, the state attorney,
991 or the court on its own motion, shall motion for pretrial
992 detention. If the court finds a substantial probability that the
993 defendant committed the offense and, based on the defendant's
994 past and present patterns of behavior, consideration of the
995 criteria in s. 903.046, and any other relevant facts, that no
996 conditions of release or bail will reasonably protect the
997 community from risk of physical harm, ensure the presence of the
998 defendant at trial, or assure the integrity of the judicial
999 process, the court must order pretrial detention.

1000 Section 23. For the purpose of incorporating the amendments
1001 made by this act to sections 903.09 and 903.31, Florida
1002 Statutes, in references thereto, section 903.286, Florida
1003 Statutes, is reenacted to read:

1004 903.286 Return of cash bond; requirement to withhold unpaid
1005 fines, fees, court costs; cash bond forms.—

1006 (1) Notwithstanding s. 903.31(2), the clerk of the court
1007 shall withhold from the return of a cash bond posted on behalf
1008 of a criminal defendant by a person other than a bail bond agent
1009 licensed pursuant to chapter 648 sufficient funds to pay any
1010 unpaid costs of prosecution, costs of representation as provided
1011 by ss. 27.52 and 938.29, court fees, court costs, and criminal
1012 penalties. If sufficient funds are not available to pay all
1013 unpaid costs of prosecution, costs of representation as provided
1014 by ss. 27.52 and 938.29, court fees, court costs, and criminal
1015 penalties, the clerk of the court shall immediately obtain

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1016 payment from the defendant or enroll the defendant in a payment
1017 plan pursuant to s. 28.246.

1018 (2) All cash bond forms used in conjunction with the
1019 requirements of s. 903.09 must prominently display a notice
1020 explaining that all funds are subject to forfeiture and
1021 withholding by the clerk of the court for the payment of costs
1022 of prosecution, costs of representation as provided by ss. 27.52
1023 and 938.29, court fees, court costs, and criminal penalties on
1024 behalf of the criminal defendant regardless of who posted the
1025 funds.

1026 Section 24. For the purpose of incorporating the amendment
1027 made by this act to section 924.065, Florida Statutes, in a
1028 reference thereto, section 924.14, Florida Statutes, is
1029 reenacted to read:

1030 924.14 Stay of execution when defendant appeals.—An appeal
1031 by a defendant from either the judgment or sentence shall stay
1032 execution of the sentence, subject to the provisions of s.
1033 924.065.

1034 Section 25. For the purpose of incorporating the amendment
1035 made by this act to section 951.26, Florida Statutes, in
1036 references thereto, subsection (1) and paragraph (a) of
1037 subsection (3) of section 394.657, Florida Statutes, are
1038 reenacted to read:

1039 394.657 County planning councils or committees.—

1040 (1) Each board of county commissioners shall designate the
1041 county public safety coordinating council established under s.
1042 951.26, or designate another criminal or juvenile justice mental
1043 health and substance abuse council or committee, as the planning
1044 council or committee. The public safety coordinating council or

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1045 other designated criminal or juvenile justice mental health and
1046 substance abuse council or committee, in coordination with the
1047 county offices of planning and budget, shall make a formal
1048 recommendation to the board of county commissioners regarding
1049 how the Criminal Justice, Mental Health, and Substance Abuse
1050 Reinvestment Grant Program may best be implemented within a
1051 community. The board of county commissioners may assign any
1052 entity to prepare the application on behalf of the county
1053 administration for submission to the Criminal Justice, Mental
1054 Health, and Substance Abuse Statewide Grant Review Committee for
1055 review. A county may join with one or more counties to form a
1056 consortium and use a regional public safety coordinating council
1057 or another county-designated regional criminal or juvenile
1058 justice mental health and substance abuse planning council or
1059 committee for the geographic area represented by the member
1060 counties.

1061 (3) (a) If a public safety coordinating council established
1062 under s. 951.26 acts as the planning council, its membership
1063 must include all persons listed in paragraph (2) (a).

1064 Section 26. For the purpose of incorporating the amendment
1065 made by this act to section 951.26, Florida Statutes, in a
1066 reference thereto, paragraph (p) of subsection (1) of section
1067 921.187, Florida Statutes, is reenacted to read:

1068 921.187 Disposition and sentencing; alternatives;
1069 restitution.—

1070 (1) The alternatives provided in this section for the
1071 disposition of criminal cases shall be used in a manner that
1072 will best serve the needs of society, punish criminal offenders,
1073 and provide the opportunity for rehabilitation. If the offender

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1074 does not receive a state prison sentence, the court may:

1075 (p) Impose any other sanction which is provided within the
1076 community and approved as an intermediate sanction by the county
1077 public safety coordinating council as described in s. 951.26.

1078 Section 27. For the purpose of incorporating the amendment
1079 made by this act to section 951.26, Florida Statutes, in a
1080 reference thereto, subsection (2) of section 948.51, Florida
1081 Statutes, is reenacted to read:

1082 948.51 Community corrections assistance to counties or
1083 county consortiums.—

1084 (2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.—A
1085 county, or a consortium of two or more counties, may contract
1086 with the Department of Corrections for community corrections
1087 funds as provided in this section. In order to enter into a
1088 community corrections partnership contract, a county or county
1089 consortium must have a public safety coordinating council
1090 established under s. 951.26 and must designate a county officer
1091 or agency to be responsible for administering community
1092 corrections funds received from the state. The public safety
1093 coordinating council shall prepare, develop, and implement a
1094 comprehensive public safety plan for the county, or the
1095 geographic area represented by the county consortium, and shall
1096 submit an annual report to the Department of Corrections
1097 concerning the status of the program. In preparing the
1098 comprehensive public safety plan, the public safety coordinating
1099 council shall cooperate with the juvenile justice circuit
1100 advisory board established under s. 985.664 in order to include
1101 programs and services for juveniles in the plan. To be eligible
1102 for community corrections funds under the contract, the initial

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1103 public safety plan must be approved by the governing board of
1104 the county, or the governing board of each county within the
1105 consortium, and the Secretary of Corrections based on the
1106 requirements of this section. If one or more other counties
1107 develop a unified public safety plan, the public safety
1108 coordinating council shall submit a single application to the
1109 department for funding. Continued contract funding shall be
1110 pursuant to subsection (5). The plan for a county or county
1111 consortium must cover at least a 5-year period and must include:

1112 (a) A description of programs offered for the job placement
1113 and treatment of offenders in the community.

1114 (b) A specification of community-based intermediate
1115 sentencing options to be offered and the types and number of
1116 offenders to be included in each program.

1117 (c) Specific goals and objectives for reducing the
1118 projected percentage of commitments to the state prison system
1119 of persons with low total sentencing scores pursuant to the
1120 Criminal Punishment Code.

1121 (d) Specific evidence of the population status of all
1122 programs which are part of the plan, which evidence establishes
1123 that such programs do not include offenders who otherwise would
1124 have been on a less intensive form of community supervision.

1125 (e) The assessment of population status by the public
1126 safety coordinating council of all correctional facilities owned
1127 or contracted for by the county or by each county within the
1128 consortium.

1129 (f) The assessment of bed space that is available for
1130 substance abuse intervention and treatment programs and the
1131 assessment of offenders in need of treatment who are committed

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1132 to each correctional facility owned or contracted for by the
1133 county or by each county within the consortium.

1134 (g) A description of program costs and sources of funds for
1135 each community corrections program, including community
1136 corrections funds, loans, state assistance, and other financial
1137 assistance.

1138 Section 28. This act shall take effect July 1, 2024.